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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92060005
Party	Defendant Melvina Goren
Correspondence Address	MELVINA GOREN 856 US ROUTE 206, SUITE B10 HILLSBOROUGH, NJ 08844 UNITED STATES patricia@plklawgroup.com
Submission	Answer
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Date	11/03/2014
Attachments	Answer to Petition for Cancellation - 11.3.14.pdf(142912 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

S&P CASUALS LIMITED,

Petitioner,

v.

MELVINA GOREN,

Registrant.

Cancellation No: 92060005

ANSWER TO PETITION FOR CANCELLATION

Melvina Goren (“Goren” or “Registrant”), owner of U.S. Registration No. 3,845,512 for the mark SOUL STAR UNDERGROUND & Design (“Registrant’s Mark”), by and through her attorneys, The PLK Law Group, P.C., hereby answers and responds to the Petition for Cancellation filed by S&P Casuals Limited (“Petitioner”) as follows:

1. Denied. Goren resides in Brooklyn, New York.
2. Admitted.
3. ¹Denied. Registrant has used Registrant’s Mark in commence on and in connection with the goods listed in U.S. Registration No. 3,845,512 in each of the past three (3) consecutive years.
4. Denied.
5. Denied.
6. The first sentence is denied. The second and third sentences are admitted upon information and belief. The last sentence is denied. Registrant’s Mark is validly registered and Petitioner’s Mark infringes upon Registrant’s Mark.

¹ This paragraph responds to the third enumerated paragraph in the Petition for Cancellation that is numbered as paragraph No. 2.

Wherefore, Registrant requests that Petitioner's Petition for Cancellation be denied and the refusal to register U.S. Application Serial No. 79/141,499 be maintained, and any and all other relief the Trademark Trial and Appeal Board may deem proper.

AFFIRMATIVE DEFENSES

By alleging the Affirmative Defenses below, Applicant does not intend to alter the burden of proof and/or evidentiary burden which otherwise exists concerning any particular issues. All such defenses are pled in the alternative, and do not constitute an admission of liability or that Petitioner is entitled to any relief.

First Affirmative Defense – Failure to State a Claim

Petitioner's Petition for Cancellation fails to allege facts sufficient to state a claim upon which relief can be granted.

Respectfully submitted,

Date: November 3, 2014

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing ANSWER TO PETITION FOR CANCELLATION was served on all counsel of record on November 3, 2014 by electronic mail through the Board's ESTTA system.

Dated: November 3, 2014

/Adraea M. Brown/

Adraea M. Brown